

on an LEA's capacity for bonded indebtedness, the Secretary shall consider the LEA's bond limit to be 10 percent of its total assessed valuation.

*Construction* means

- (1) Preparing drawings and specifications for school facilities;
- (2) Repairing, renovating, or altering school facilities;
- (3) Extending school facilities as described in § 222.172(b);
- (4) Erecting or building school facilities, as described in § 222.172(c); and
- (5) Inspections or supervision related to school facilities projects.

*Emergency* means a school facility condition that is so injurious or hazardous that it either poses an immediate threat to the health and safety of the facility's students and staff or can be reasonably expected to pose such a threat in the near future. These conditions can include deficiencies in the following building features: a roof; electrical wiring; a plumbing or sewage system; heating, ventilation, or air conditioning; the need to bring a school facility into compliance with fire and safety codes, or providing accessibility for the disabled as part of a larger project.

*Level of bonded indebtedness* means the amount of long-term debt issued by an LEA divided by the LEA's bonding capacity.

*Minimal capacity to issue bonds* means that the total assessed value of real property in an LEA that may be taxed for school purposes is at least \$25,000,000 but not more than \$50,000,000.

*Modernization* means the repair, renovation, alteration, or extension of a public elementary or secondary school facility in order to support a contemporary educational program for an LEA's students in normal capacity, and in accordance with the laws, standards, or common practices in the LEA's State.

*No practical capacity to issue bonds* means that the total assessed value of real property in an LEA that may be taxed for school purposes is less than \$25,000,000.

*School facility* means a building used to provide free public education, including instructional, resource, food service, and general or administrative

support areas, so long as they are a part of the facility.

*Total assessed value per student* means the assessed valuation of real property per pupil (AVPP), unless otherwise defined by an LEA's State.

(b) The following terms used in this subpart are defined or referenced in 34 CFR 77.1:

Applicant  
Application  
Award  
Contract  
Department  
EDGAR  
Equipment  
Fiscal year  
Grant  
Grantee  
Project  
Public  
Real property  
Recipient

(Authority: 20 U.S.C. 7707(b) and 1221e-3)

#### ELIGIBILITY

#### **§ 222.177 What eligibility requirements must an LEA meet to apply for an emergency grant under the first priority?**

An LEA is eligible to apply for an emergency grant under the first priority of section 8007(b) of the Act if it—

(a) Is eligible to receive formula construction funds for the fiscal year under section 8007(a) of the Act;

(b)(1) Has no practical capacity to issue bonds;

(2) Has minimal capacity to issue bonds and has used at least 75 percent of its bond limit; or

(3) Is eligible to receive funds for the fiscal year for heavily impacted districts under section 8003(b)(2) of the Act; and

(c) Has a school facility emergency that the Secretary has determined poses a health or safety hazard to students and school personnel.

(Authority: 20 U.S.C. 7707(b))